

MAY -2 2013

FCC Mail Room



Atlantic City Schools

Donna L. Haye, Superintendent
1300 Atlantic Avenue
Atlantic City, NJ 08401
609-343-7200 x 5681
Fax: 609-344-3661

Marilyn M. Cohen
Supervisor of
Technology

April 25, 2013

Letter of Appeal
Marlene H. Dortch, Secretary
FCC, Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re: Atlantic City Board of Education
Billed Entity Number: 123420
Funding Year: 2009 (07/1/2009) - 06/30/2010
471 Application Number: 612919
Funding Request Numbers: 1713556
CC Docket No. 02-6

We are writing to request a review the decision not to approve a SPIN Change Request for FRN 1713556, as indicated in the recently received Administrator's Decision on SPIN Change Request dated February 28, 2013.

The letter offered explanation that the DENIAL was because *"The request is not a revision of a prior spin change request for FRN 1713556 that was dismissed or cancelled."*

We disagree. There are several elements at play here that USAC did not consider. In fact USAC may have contributed to some of the challenges we experienced.

Our funding requests had been on hold for 6 years and then funded all at once. This required us to process reimbursements, implement projects that were on hold, and seek reimbursements for over 200 FRNs simultaneously. This included seeking "good Samaritans" to process FRNs for service providers who were no longer in business and SPIN changes, for service providers purchased by other companies. One of our most challenging SPIN change requests involved changing from Empire Technologies (SPIN 143017142) to North American Communications Resource (SPIN 143011994), who purchased Empire. There were approximately 12 Empire FRNs that needed SPIN changes to NACR. The results were mixed. Some were granted (9), the others denied, including one where the denial explanation was that the reason was "insufficient".

Our efforts also included filing many extensions, in order to assure that we were able to collect what was needed in order to submit our reimbursements. We also needed extensions in order to buffer the time imposed by awaiting for SPIN change decisions. Those results were somewhat less mixed, but mixed just the same, requiring us to file several appeals, including another on this FRN. What seemed to impact us greatly was the loss of extension and SPIN change requests that were faxed to USAC several times. In our

No. of Copies rec'd 0
List ABCDE

Service Delivery Deadline Extension Request

September 27, 2012

Contact person name: Marilyn Cohen

Contact information: ATLANTIC CITY BOARD OF EDUCATION
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401
(609) 343-7200 x5681
(609) 344-3661 (Fax)
mcohen@acboe.org

Form 471 Application Number: 612919

Funding Request Number (FRN): 1713556

Service provider name: Empire Technologies, L.L.C.

Service Provider Identification Number (SPIN): 143017142

Reason for service delivery deadline extension request: Awaiting approval of SPIN Change Request

Service Delivery Deadline Extension Request

September 27, 2012

Contact person name: Marilyn Cohen

Contact information: ATLANTIC CITY BOARD OF EDUCATION
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401
(609) 343-7200 x5681
(609) 344-3661 (Fax)
mcohen@acboe.org

Form 471 Application Number: 745229

Funding Request Number (FRN): 2014074

Service provider name: Interactive Digital Solutions, LLC

Service Provider Identification Number (SPIN): 143027748

Reason for service delivery deadline extension request: Renovations of building are not complete enough to finish this project.

appeal to USAC for this FRN, we indicated the problem with lost faxes. We provided several case numbers relating to follow up calls to the Client Service Bureau (CSB) about the requests and were told to simply refax.

Another reason offered for the denial was the reference that an Invoice Deadline Request on this FRN was filed but was denied. That denial was appealed to USAC on February 13, 2013. That appeal promoted the fact that the request was submitted multiple times via fax along with several other requests. Once again, the results were mixed. Of the 5 FRNs faxed on September 27, 2012, one was extended and two had their funds dispersed. However, two FRNs, 1713556 and 2014074, were denied stating that the request was received after September 30, 2012, even though the letter stated, "Your Correspondence Dated: September 27, 2012.


The inconsistent results we received after submitting SPIN changes and Extension requests, in order to submit reimbursement requests, complicated the effort tremendously. We had to contact the CSB repeatedly to assure ourselves that material had been received. Even those results were mixed, as several times they could not find the document then "found" it later or, if the call included inquiries about several FRNs, the service person only recorded a single of the FRNs in the record. It was highly frustrating.

With this FRN, we filed for an extension in order to gain the time to receive our SPIN change. We submitted these documents to USAC in a timely manner, repeatedly. Our extension request was denied and an appeal filed. We strongly feel that appeal was denied without consideration of all of the facts that we presented.

USAC should have been more supportive in their assistance and have considered the extenuating circumstances imposed on us by releasing six years funding seemingly at once. Waiting six years to receive our funding letters only to lose the funding because we could not get USAC to act on requests in a timely manner, some taking weeks, others months, and, of course, the "loss" of faxes where some of the requests were acted upon but those that were not, were denied for being overdue.

We respectfully request that the FCC reverse all USAC decisions relating to our SPIN Change Requests and Invoice Extension Requests relating to EMPIRE and NACR. Including FRN 1713556.

Sincerely,


Marilyn Cohen

Attachments:

Service Delivery Deadline Extension Request

September 27, 2012

Contact person name: Marilyn Cohen

Contact information: ATLANTIC CITY BOARD OF EDUCATION
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401
(609) 343-7200 x5681
(609) 344-3661 (Fax)
mcohen@acboe.org

Form 471 Application Number: 745229

Funding Request Number (FRN): 2014085

Service provider name: ProMedia Technology Services, Inc.

Service Provider Identification Number (SPIN): 143004851

Reason for service delivery deadline extension request: Renovations of building are not complete enough to finish this project.

Service Delivery Deadline Extension Request

September 27, 2012

Contact person name: Marilyn Cohen

Contact information: ATLANTIC CITY BOARD OF EDUCATION
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401
(609) 343-7200 x5681
(609) 344-3661 (Fax)
mcohen@acboe.org

Form 471 Application Number: 745229

Funding Request Number (FRN): 2014105

Service provider name: ProMedia Technology Services, Inc.

Service Provider Identification Number (SPIN): 143004851

Reason for service delivery deadline extension request: Renovations of building are not complete enough to finish this project.

Service Delivery Deadline Extension Request

September 27, 2012

Contact person name: Marilyn Cohen

Contact information: ATLANTIC CITY BOARD OF EDUCATION
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401
(609) 343-7200 x5681
(609) 344-3661 (Fax)
mcohen@acboe.org

Form 471 Application Number: 745229

Funding Request Number (FRN): 2014114

Service provider name: Empire Technologies, L.L.C.

Service Provider Identification Number (SPIN): 143017142

Reason for service delivery deadline extension request: Renovations of building are not complete enough to finish this project; Awaiting SPIN change approval.



THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

RECEIVED
JAN 10 1964
FROM
DR. J. H. GOLDSTEIN
TO
DR. R. M. MAYER
SUBJECT
POLYMERIZATION OF VINYL MONOMERS
IN AQUEOUS SOLUTION
AT 50°C.

Enclosed for Dr. Mayer are two copies of a report on the polymerization of vinyl monomers in aqueous solution at 50°C. The report contains a summary of the experimental results and a discussion of the mechanism of the reaction. The experimental results show that the rate of polymerization is first order in the concentration of the monomer and second order in the concentration of the initiator. The mechanism proposed is that the initiator is first converted to a radical, which then attacks the monomer to form a polymer radical. The polymer radical then reacts with another monomer to form a dimer radical, which then reacts with another monomer to form a trimer radical, and so on. The rate of polymerization is therefore determined by the rate of formation of the initiator radical and the rate of reaction of the polymer radical with monomer.

Very truly yours,
J. H. Goldstein

REQUEST FOR CORRECTIVE SPIN CHANGE

Atlantic City BVE-ADMIN

September 27, 2012

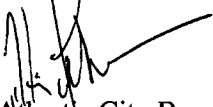
1. Billed Entity Number.....123420
2. Applicant NameAtlantic City BVE-ADMIN
3. Funding Request Number (FRN).....**1713556**
4. Form 471 Application Number612919
5. Applicant ContactMarilyn Cohen
6. Applicant Phone.....(609) 343-3661 x5681
7. Applicant E-mail address.....mcohen@acboe.org

8. Original SPIN.....143017142
9. Original Service ProviderEmpire Technologies, L.L.C.
10. Original Service Provider Contact.....Vince Pollitto
11. Original Service Provider Phone732-625-3239
12. Original Service Provider E-mail address.....vpollitto@nacr.com

13. New SPIN143011994
14. New Service ProviderNorth American Communications Resource, Inc.
15. New Service Provider Contact.....Michael K Schenck
16. New Service Provider Phone651-393-6259
17. New Service Provider E-mail addressmschenck@nacr.com
18. Has the original service provider supplied any services under this funding request? **NO**

a.	One-time pre-discount amount for original service provider	\$170,798.87
b.	One-time pre-discount amount for new service provider	\$170,798.87
c.	EFFECTIVE DATE OF CHANGE	July 1, 2008
d.	LAST DAY OF SERVICE for new service provider	June 30, 2009

19. "I certify that (1) all SPIN changes requested in this letter are allowed under all applicable state and local procurement rules, (2) the SPIN changes are allowable under the terms of the contract, if any, between the applicant and its original service provider, and (3) the applicant has notified its original service provider of its intent to change service providers. (4) NACR has purchased Empire."



Martin Friedman, Consultant, Atlantic City Board of Education

REQUEST FOR CORRECTIVE SPIN CHANGE

Atlantic City BVE-ADMIN

September 27, 2012

1. Billed Entity Number.....123420
2. Applicant NameAtlantic City BVE-ADMIN
3. Funding Request Number (FRN).....745229
4. Form 471 Application Number.....2014114
5. Applicant ContactMarilyn Cohen
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7. Applicant E-mail address.....mcohen@acboe.org
8. Original SPIN.....143017142
9. Original Service ProviderEmpire Technologies, L.L.C.
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15. New Service Provider Contact.....Michael K Schenck
16. New Service Provider Phone651-393-6259
17. New Service Provider E-mail addressmschenck@nacr.com
18. Has the original service provider supplied any services under this funding request? **NO**

a.	One-time pre-discount amount for original service provider	\$104,955.54
b.	One-time pre-discount amount for new service provider	\$104,955.54
c.	EFFECTIVE DATE OF CHANGE	July 1, 2010
d.	LAST DAY OF SERVICE for new service provider	June 30, 2011

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Martin Friedman, Consultant, Atlantic City Board of Education

REQUEST FOR CORRECTIVE SPIN CHANGE

Atlantic City BVE-ADMIN

February 12, 2013

1. Billed Entity Number123420
2. Applicant NameAtlantic City BVE-ADMIN
3. Funding Request Number (FRN).....**1713556**
4. Form 471 Application Number612919
5. Applicant ContactMarilyn Cohen
6. Applicant Phone.....(609) 343-3661 x5681
7. Applicant E-mail address.....mcohen@acboe.org

8. Original SPIN.....143017142
9. Original Service ProviderEmpire Technologies, L.L.C.
10. Original Service Provider Contact.....Vince Pollitto
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18. Has the original service provider supplied any services under this funding request? **NO**

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c.	EFFECTIVE DATE OF CHANGE	July 1, 2008
d.	LAST DAY OF SERVICE for new service provider	June 30, 2009

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Martin Friedman, Consultant, Atlantic City Board of Education

1. The first part of the report
describes the general situation
of the country and the
state of the economy.

2. The second part of the report
describes the situation in the
different regions of the country.



3. The third part of the report
describes the situation in the
different sectors of the economy.
4. The fourth part of the report
describes the situation in the
different social groups of the country.

5. The fifth part of the report
describes the situation in the
different cultural and educational
institutions of the country.

6. The sixth part of the report
describes the situation in the
different scientific and technical
institutions of the country.

7. The seventh part of the report
describes the situation in the
different administrative and
political institutions of the country.

8. The eighth part of the report
describes the situation in the
different international relations
of the country.

REQUEST FOR CORRECTIVE SPIN CHANGE

Atlantic City BVE-ADMIN

February 12, 2013

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2. Applicant NameAtlantic City BVE-ADMIN
3. Funding Request Number (FRN).....**1713556**
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10. The tenth part of the report
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Atlantic City Schools
Donna L. Haye, Superintendent
1300 Atlantic Avenue
Atlantic City, NJ 08401

Marilyn M. Cohen
Supervisor of
Technology
609-343-7200 x 5059
Fax: 609-344-3661

February 13, 2013

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 68
Parsippany, NJ 07054-0685

Re: ATLANTIC CITY BoE-ADMIN
Billed Entity Number: 123420
Funding Year: 2010 (07/1/2010 - 06/30/2011)
471 Application Number: 612919
Funding Request Numbers: 1713556

We wish to appeal the decisions on the Administrator's Decision on Implementation Extension Request, dated January 4, 2013.

The explanation for the denial of FRNs 1713556 was provided as, "*Request received after the FCC deadline for implementation Deadline requests which was 9/30/2012.*"

This extension request was originally faxed to USAC on September 27, 2012, along with four other extension requests (FRNs 2014074, 2014085, 2014105, and 2014114). On a call to the Client Service Bureau, while again chasing down a number of faxes that SLD states they never received, we found that these requests had not been received either. We were simply told to re-fax them, which we did on October 25, 2012.

We called back to look into the status on December 10, 2012, Case #22-443495, and were informed it was in process.

Since then, we have seen that FRN 2014114 was extended but we are awaiting a SPIN change, and FRNs 2014085 and 2014105 had their funds dispersed, but FRN 1713556 (application #6129919), also awaiting a SPIN change, along with FRN 2014074 (application #745229), were denied.

Interestingly enough, the denial letter of January 2nd refers to our correspondence dated September 27, 2012, which is exactly the date we originally faxed all five requests. The denial letter for FRN 1713556, dated January 4, 2013, refers to correspondence dated October 25, 2012, the date we faxed the documents over the second time.



Atlantic City Schools

Donna L. Haye, Superintendent
1300 Atlantic Avenue
Atlantic City, NJ 08401

Marilyn M. Cohen

**Supervisor of
Technology**

609-343-7200 x 5059

Fax: 609-344-3661

Apparently, SLD was in receipt of both the original 09/27/2012 fax as well as our 10/25/2012 refax. Since the January 2nd letter confirms our fax of 09/27/2012 yet denies the request stating that it was received later, we feel that several errors have come about, including the "loss" of faxes and this premature denial, which should underscore our request to reconsider and reverse these denials.

Since the requests were received on September 27, 2012, three days prior to any deadline, none of the FRNs included in that Implementation Extension Request should have been denied. We therefore respectfully request that the decisions on **FRNs 1713556 and 2014074** be reversed and that the requests be "Approved".

Sincerely,

Marilyn M. Cohen
Supervisor of Technology
Atlantic City Board of Education
mcohen@acboe.org



Universal Service Administrative Company

Schools and Libraries Division

Administrator's Decision on SPIN Change Request

February 28, 2013

Re: Applicant Name: ATLANTIC CITY BVE-ADMIN.
Billed Entity Number: 123420
FCC Form 471 Application Number: 612919
Funding Request Number(s): 1713556
Your Correspondence Dated: February 12, 2013

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your SPIN Change Request for the FRN(s) indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to USAC or the Federal Communications Commission (FCC). If your SPIN Change request included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request No. (FRN): 1713556
Original Service Provider: Empire Technologies, L.L.C.
Original SPIN: 143017142
New Service Provider: North American Communications Resource, Inc.
New SPIN: 143011994
Original Commitment Amount: \$153,718.98
Disbursement Amount: \$0.00
CAP Remaining: \$153,718.98
A FCC Form 486 has been filed for this FRN: Yes
This FRN includes Non-Recurring Services: Yes

Decision: Denied

Explanation: You requested a SPIN Change for FRN 1713556 from Empire Technologies, L.L.C., SPIN 143017142 to North American Communications Resource, Inc., SPIN 143011994. However, your spin change request is denied. The last date to receive service for FRN 1713556 was 9/30/2012. The Form 486 Notification Letter was dated 12/14/2011. An invoice deadline extension for FRN 1713556 was submitted but not approved. Therefore, the last date to submit an invoice for FRN 1713556 was 1/28/2013. This change request was postmarked February 12, 2013. This request is not a revision of a prior spin change request for FRN 1713556 that was dismissed or cancelled. Therefore, the SPIN change request is denied.

If you wish to appeal a decision in this letter, your appeal must be received by USAC or the FCC and postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in a denial of your appeal.

In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - appellant name,
 - applicant or service provider name, if different than appellant,
 - applicant BEN and service provider SPIN,
 - FCC Form 471 application number as assigned by USAC,
 - Funding Request Number(s) (FRNs) you are appealing if provided in the letter,
 - Administrator's Decision on SPIN Change Request, AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by the USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by

the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Thank you for your continued patience and cooperation during this process.

Schools and Libraries Division
Universal Service Administrative Company

CC:

